

NOV 23 2004

400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 - Telephone
(516) 742-4366 - Facsimile
email: intrprop@ssmp.com

**SCULLY, SCOTT, MURPHY
& PRESSER**

Fax

To:	Lawrence Crane United States Patent & Trademark Office	From:	Mark J. Cohen
Fax:	1-703-872-9306	Pages:	62 (including fax cover sheet)
Phone:		Date:	November 23, 2004
Re:	Michael P. DeNinno, et al U.S. Patent Appln. No. 10/099,620 Our Docket: 17423 (PC11066A)	CC:	

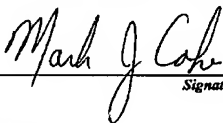
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Attached for submission to the U.S. Patent and Trademark Office are the following:

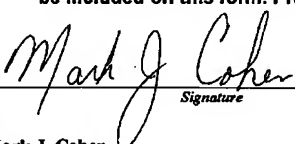
- Certificate of Transmission by Facsimile
- Amendment Transmittal Letter (in duplicate)
- Supplemental Amendment
- Petition Under 37 C.F.R. §1.313(a) to Withdraw From Issue
- Authorization to charge deposit account 19-1013/SSMP in the amount of \$130.00 for the Petition to Withdraw from Issue.

CONFIDENTIALITY: The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Nancy Gilmore.

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. 17423 (PC11066A)									
Applicant(s): Michael P. DeNinno, et al.														
Application No. 10/099,620	Filing Date March 15, 2002	Examiner Lawrence Crane	Customer No. 23389	Group Art Unit 1623	Confirmation No. 2274									
Invention: COMPOUNDS FOR THE TREATMENT OF ISCHEMIA														
COMMISSIONER FOR PATENTS:														
Transmitted herewith is an amendment in the above-identified application.														
The fee has been calculated and is transmitted as shown below.														
CLAIMS AS AMENDED														
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE									
TOTAL CLAIMS	53 -	53 =	0 x	\$18.00	\$0.00									
INDEP. CLAIMS	8 -	8 =	0 x	\$88.00	\$0.00									
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00									
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00									
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input checked="" type="checkbox"/> Please charge Deposit Account No. 19-1013/SSMP in the amount of <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-1013/SSMP <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.														
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.														
 _____ Signature			Dated: November 23, 2004											
Mark J. Cohen Registration No. 32,211 Scully, Scott, Murphy & Presser 400 Garden City Plaza, Suite 300 Garden City, NY 11530 (516) 742-4343			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td> </tr> <tr> <td colspan="2" style="text-align: center;">(Date)</td> </tr> <tr> <td colspan="2" style="text-align: center;">_____ Signature of Person Mailing Correspondence</td> </tr> <tr> <td colspan="2" style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</td> </tr> </table>				I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		(Date)		_____ Signature of Person Mailing Correspondence		_____ Typed or Printed Name of Person Mailing Correspondence	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____														
(Date)														
_____ Signature of Person Mailing Correspondence														
_____ Typed or Printed Name of Person Mailing Correspondence														
CC:														

P11LARGE/REV06

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. 17423 (PC11066A)									
Applicant(s): Michael P. DeNinno, et al.														
Application No. 10/099,620	Filing Date March 15, 2002	Examiner Lawrence Crane	Customer No. 23389	Group Art Unit 1623	Confirmation No. 2274									
Invention: COMPOUNDS FOR THE TREATMENT OF ISCHEMIA														
COMMISSIONER FOR PATENTS:														
Transmitted herewith is an amendment in the above-identified application.														
The fee has been calculated and is transmitted as shown below.														
CLAIMS AS AMENDED														
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE									
TOTAL CLAIMS	53 -	53 =	0 x	\$18.00	\$0.00									
INDEP. CLAIMS	8 -	8 =	0 x	\$88.00	\$0.00									
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00									
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00									
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input checked="" type="checkbox"/> Please charge Deposit Account No. 19-1013/SSMP in the amount of <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-1013/SSMP <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.														
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.														
 _____ Signature			Dated: November 23, 2004											
Mark J. Cohen Registration No. 32,211 Scully, Scott, Murphy & Presser 400 Garden City Plaza, Suite 300 Garden City, NY 11530 (516) 742-4343			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.6(a)] on _____</td> </tr> <tr> <td colspan="2" style="text-align: center;">(Date)</td> </tr> <tr> <td colspan="2" style="text-align: center;">_____ Signature of Person Mailing Correspondence</td> </tr> <tr> <td colspan="2" style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</td> </tr> </table>				I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.6(a)] on _____		(Date)		_____ Signature of Person Mailing Correspondence		_____ Typed or Printed Name of Person Mailing Correspondence	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.6(a)] on _____														
(Date)														
_____ Signature of Person Mailing Correspondence														
_____ Typed or Printed Name of Person Mailing Correspondence														
CC:														

P11LARGE/REV08

RECEIVED
CENTRAL FAX CENTER
NOV 23 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Michael P. DeNinno et al.	Examiner:	Lawrence Crane
Serial No:	10/099,620	Art Unit:	1623
Filed:	March 15, 2002	Docket:	17423 (PC11066A)
For:	COMPOUNDS FOR THE TREATMENT OF ISCHEMIA	Dated:	November 23, 2004

Confirmation No.: 2274

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. §1.313(a) TO WITHDRAW FROM ISSUE

Sir:

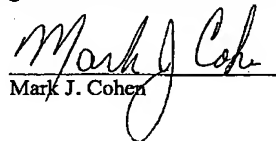
Applicants respectfully petition to withdraw the above-identified application from issue.

Applicants have paid the Issue Fee on October 21, 2004. Subsequent thereto, applicants have again reviewed one of the references cited and applied by the United States Patent and Trademark Office in an Official Action, viz., U.S. Patent No. 2,852,505 to Baker et al. ("Baker").

CERTIFICATION OF FACSIMILE TRANSMISSION

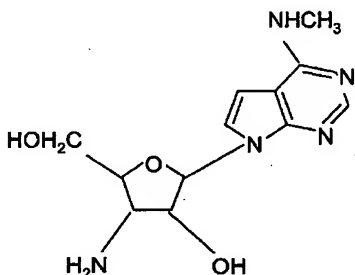
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: November 23, 2004


Mark J. Cohen

Upon closer scrutiny, and not realized the time of the filing of the Response, it was noted that Baker et al. discloses species which are just as relevant as those identified in the Official Action dated October 27, 2003 and which may make one or more claims of the present application unpatentable.

Specifically, attention is directed to Examples 27, 36, 52 and 53 therein. Examples 27 and 36 disclose 6-methylamino-9-(3-amino-3-dioxy- β -D-ribofuranosyl)purine, which has the formula:



Examples 52 and 53 disclose similar compounds, except the substituent at the 6 position of the purine ring are butylamino, and cyclohexylamino respectively.

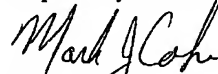
Applicants have amended the claim so that the 5-position of the sugar attached to the purine ring excludes hydroxymethyl (CH_2OH).

An amendment accompanies this Petition amending the claims to exclude hydroxymethyl from the definition at the 5-position of the sugar moiety. The Commissioner is authorized to charge the Deposit Account No. 19-1013/SSMP the requisite fee of \$130.00 for this Petition to

Withdraw, as required under 37 C.F.R. §1.313(a). A duplicate copy of this Petition is enclosed herewith.

In view of the reasons provided herein, it is respectfully requested that this Petition be granted and prosecution on the merits be reopened.

Respectfully submitted,



Mark J. Cohen

Registration No. 32,211.

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
Telephone: 516-742-4343
MJC:ng

RECEIVED
CENTRAL FAX CENTER
NOV 23 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael P. DeNinno et al.	Examiner: Lawrence Crane
Serial No: 10/099,620	Art Unit: 1623
Filed: March 15, 2002	Docket: 17423 (PC11066A)
For: COMPOUNDS FOR THE TREATMENT OF ISCHEMIA	Dated: November 23, 2004

Confirmation No.: 2274

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. §1.313(a) TO WITHDRAW FROM ISSUE

Sir:


Applicants respectfully petition to withdraw the above-identified application from issue.

Applicants have paid the Issue Fee on October 21, 2004. Subsequent thereto, applicants have again reviewed one of the references cited and applied by the United States Patent and Trademark Office in an Official Action, viz., U.S. Patent No. 2,852,505 to Baker et al. ("Baker").

CERTIFICATION OF FACSIMILE TRANSMISSION

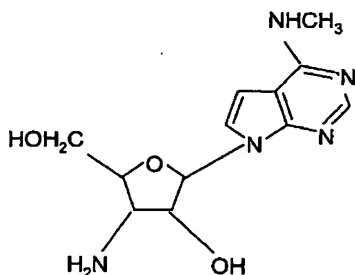
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: November 23, 2004


Mark J. Cohen

Upon closer scrutiny, and not realized the time of the filing of the Response, it was noted that Baker et al. discloses species which are just as relevant as those identified in the Official Action dated October 27, 2003 and which may make one or more claims of the present application unpatentable.

Specifically, attention is directed to Examples 27, 36, 52 and 53 therein. Examples 27 and 36 disclose 6-methylamino-9-(3-amino-3-dioxy-β-D-ribofuranosyl)purine, which has the formula:



Examples 52 and 53 disclose similar compounds, except the substituent at the 6 position of the purine ring are butylamino, and cyclohexylamino respectively.

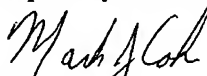
Applicants have amended the claim so that the 5-position of the sugar attached to the purine ring excludes hydroxymethyl (CH₂OH).

An amendment accompanies this Petition amending the claims to exclude hydroxymethyl from the definition at the 5-position of the sugar moiety. The Commissioner is authorized to charge the Deposit Account No. 19-1013/SSMP the requisite fee of \$130.00 for this Petition to

Withdraw, as required under 37 C.F.R. §1.313(a). A duplicate copy of this Petition is enclosed herewith.

In view of the reasons provided herein, it is respectfully requested that this Petition be granted and prosecution on the merits be reopened.

Respectfully submitted,



Mark J. Cohen
Registration No. 32,211

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
Telephone: 516-742-4343
MJC:ng